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REMARKS

Claims 1-21 and 23-70 are pending. Claims 1, 3, 5, 6, 14, 17, 19, 21 and 30 have been amended. Claims 31-70 are cancelled. Claim 22 was cancelled and claims 71-127 were withdrawn in earlier papers. No new matter has been added.

Independent claims 1 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hidary *et al.* (U.S. Patent No. 5,774,664) in view of O'Brien (U.S. Patent No. 6,055,569). This rejection is respectfully traversed. Applicant has reviewed the references cited by the Examiner and has amended independent claims 1 and 17 to more accurately describe the claimed invention. In particular, Applicant has amended the claims to clarify the meaning of "instruction" as the term was used in the claims.

In support of the rejection, the Examiner has stated that "O'Brien does disclose downloading pages and storing them in a memory cache (abstract)... This would have improved the supplemental data's display speed by preparing web pages ahead of time." While Applicant recognizes that O'Brien discloses the downloading and storing of web pages in a memory cache, Applicant notes that it fails to teach constructing a web page prior to display. The specification of the present application at page 31 teaches that "construction involves retrieving and locally compiling content for the page for presentation of page when completed. For presentation of the page in a web browser on a computer display device, the construction involves assembling the content for display in the browser." In particular, the Applicant notes that the present application also teaches that constructing can include assembling content for display. For example, Fig. 8 of the specification of the present application shows the mapping of content to a pre-defined portion of the screen, translating to a television format, and combining elements of various download segments. Thus, the constructing of a page is distinguishable from merely caching a web page. None of the references cited by the examiner or combinations thereof disclose constructing the content for display in the browser as claimed.

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In further support of the rejection of claims 1 and 17, the Examiner has stated that "Hidary teaches receiving an instruction to retrieve a web page using an address and further retrieving the information." The passage cited by the Examiner discloses that "[t]he system then directs the particular Web browser to retrieve the identified Web pages from the Internet." (Hidary, col. 3, lines 30-32.) Applicant respectfully submits that the teachings of Hidary do not disclose the pre-fetch push command of claims 1 and 17 as amended. The specification of the present application at page 29 teaches that a pre-fetch push command "is used to obtain and assemble content, for example, a web page, prior to presentation on an associated machine." The specification of the present application at page 30 further teaches that a pre-fetch push command may include any type of information instructing client machine to construct a web page prior to display. None of the references cited by the examiner or combinations thereof disclose instructing a client the machine to construct a web page prior to display as claimed.

The Applicant has also amended claims 1 and 17 to include the limitation of constructing a web page based upon timer event information transmitted with the pre-fetch push command or a show command. This limitation is also not shown in the references cited by the Examiner. In connection with dependent claims 2, 5, 6, 18 and 21, the Examiner has stated at page 3 of the Office Action that Hidary "teaches receiving timer event information that indicates when a web page is displayed when web pages are shown at appropriate times (col 3, lines 32-37) and when URLs are scheduled to be transmitted to a user (col 3, lines 42-52)." As further discussed below, Applicant respectfully submits that the teachings of Hidary do not disclose constructing a web page based on timer event information transmitted with the pre-fetch push command or a show command.

Applicant notes that the first cited portion of Hidary discloses that "[u]pon receipt of the particular Web page(s), the system syncs the Web page(s) to the video signal, and at the appropriate times, presents the Web pages on one portion of the computer screen with the television video signal..." (Hidary, col. 3, lines 32-36.) However, there is no disclosure in Hidary of timer event information transmitted with a pre-fetch push command. Thus, Hidary does not teach at least the

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claimed limitation including of commanding a constructed web page be displayed on a display device based on timer event information transmitted with the pre-fetch push command.

Applicant notes that the second cited portion of Hidary discloses that "...member broadcasters enter the Internet through a member account, and will be provided with a graphical user interface for pre-scheduling Internet addresses, or URLs, for transmission to users at particular times of day. This interface could also be used to transmit real time live transmissions of URLs to users at the same time as a broadcast." (Hidary, col. 3, lines 44-50.) Hidary does not disclose the scheduling of the constructing of a web page prior to display based upon a command. Thus, Hidary does not teach at least the limitation of commanding a constructed web page be displayed on a display device based upon a show command. For at least these reasons, claims 1 and 17 are allowable over the cited references.

The Examiner also rejected dependent claims 14 and 30 under an unspecified subsection of 35 U.S.C. §103 as being unpatentable over Hidary in view of O'Brien and in further view of Butler *et al.* (UK Patent App. GB 2327837A). In support of the rejection, the Examiner has stated that "Butler discloses an invention that broadcasts a video stream and accompanying supplemental data wherein the data comprises an I-ITML file with instructions for a hyperlink overlay on the video stream." The disclosure of Butler is limited to a "hyperlink overlay on a video stream." None of the references cited by the examiner or combinations thereof disclose the claimed systems and apparatuses for constructing a web page wherein the constructed web page is overlaid on at least a portion of the display of a program.

With respect to the dependent claims, claims 2-16 depend from independent claim 1 and claims 18-21 and 23-30 depend from independent claim 17. Applicant respectfully submits that he has shown the patentability of at least independent claims 1 and 17 as amended. Accordingly, all dependent claims are themselves patentable insofar as they depend from patentably distinct independent claims. Applicant makes this assertion without reference to the independent bases of

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patentability contained within each dependent claim. Accordingly, the Applicant respectfully requests the Examiner withdraw the rejections and allow all pending dependent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 559442002000.

Dated: May 3, 2004

Respectfully submitted,

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